

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION**

Joseph L. Graham,

Plaintiff,

v.

Florence County Detention Center, Teresa
Cunningham, Natasha Brown, David D.
Brown,

Defendants.

Civil Action No. 9:19-cv-00024-JMC

ORDER AND OPINION

Before the court for review is the Magistrate Judge's Report and Recommendation ("Report") filed on March 13, 2019 (ECF No. 10). The Report addresses Plaintiff Joseph L. Graham's *pro se* Complaint alleging a violation of his due process rights under 42 U.S.C. § 1983. (ECF No. 1 at 4.) The Report recommends that the court should summarily dismiss the Complaint without prejudice and without issuance and service of process. (ECF No. 10 at 8.) The court **ACCEPTS** the Magistrate Judge's Report and incorporates it herein by reference. For the reasons set out in the Report, the court **DISMISSES** this action without prejudice and without issuance and service of process.

I. FACTUAL AND PROCEDURAL BACKGROUND

The Report sets forth the relevant facts and legal standards, which this court incorporates herein without a full recitation. (ECF No. 10 at 2-3.) As brief background, on January 3, 2019, Plaintiff, proceeding *pro se* and *in forma pauperis*, commenced this § 1983 action against Defendants Florence County Detention Center, Teresa Cunningham, Natasha Brown, and David D. Brown. (ECF No. 1.) On March 13, 2019, the Magistrate Judge entered his Report. (ECF No. 10.) The Report recommends summarily dismissing this action without prejudice and without issuance and service of process. (*Id.* at 8.)

II. STANDARD OF REVIEW

The Magistrate Judge's Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court; the responsibility to make a final determination remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which the parties have made specific objections. *See* 28 U.S.C. § 636(b)(1). *See also* Fed. R. Civ. P. 72(b)(3). The court may accept, reject, or modify, in whole or in part, the Magistrate Judge's recommendation or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

III. DISCUSSION


On March 13, 2019, as part of the Report and Recommendation, the Magistrate Judge notified the parties of their right to file objections to the Report. (ECF No. 10 at 9.) However, none of the parties filed any objections to the Report within the prescribed time limits. In the absence of objections to the Magistrate Judge's Report, this court is not required to provide an explanation for adopting the recommendation without modification. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, "in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee's note). Furthermore, failure to file specific, written objections to the Report results in a party's waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984). Accordingly, since none of the parties filed any objections to the Report, and the court observes no clear error on the face of the record, the

court accepts the Magistrate Judge's Report. *See Diamond*, 416 F.3d at 315; *Camby*, 718 F.2d at 199.

IV. CONCLUSION

After a thorough and careful review of the record, the court finds the Magistrate Judge's Report and Recommendation provides an accurate summary of the facts and law in this case and contains no clear error. Accordingly, the court **ACCEPTS** the Magistrate Judge's Report and Recommendation (ECF No. 10) and incorporates it herein by reference. For the reasons set out in the Report, the court **DISMISSES** this action without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A rectangular box containing a handwritten signature in black ink that reads "J. Michelle Childs".

United States District Judge

May 30, 2019
Columbia, South Carolina